

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DANIEL APONTE,**

**Defendant.**

**CASE NO. 8:12CR352**

**ORDER**

This matter is before the Court on the Defendant's Motion and Affidavit for Permission to Appeal In Forma Pauperis (Filing No. 164). The Defendant had previously given notice that he was appealing the District Court's decision denying his 28 U.S.C. § 2255 motion to the Eighth Circuit Court of Appeals (Filing 156). The Court denied the Defendant's request for a Certificate of Appealability (Filing No. 159). As previously stated in that Order, the Defendant had not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253 (c). On the Court's own motion (Filing No. 160), it denied the Defendant leave to proceed in forma pauperis and that position has not changed. Therefore,

**IT IS ORDERED:**

1. The Defendant's Motion and Affidavit for Permission to Appeal In Forma Pauperis (Filing No. 164) is denied; and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address and to the Eighth Circuit Court of Appeals.

**DATED this 23<sup>rd</sup> day of July, 2015.**

**BY THE COURT**

s/Laurie Smith Camp  
Chief United States District Judge